In the Supreme Court of the United States

OCTOBER TERM, 1933

No. 162

THE UNITED STATES, APPELLANT

v.

GREGORIO CHAVEZ AND JOSE MARIA CHAVEZ

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF NEW MEXICO

STATEMENT OF JURISDICTION

In compliance with Rule 12 of the Supreme Court of the United States, appellant submits herewith its statement showing the basis of the jurisdiction of this Court to entertain the appeal in the above-entitled cause:

A

STATUTES

The statutory jurisdiction of this Court to review by direct appeal the order here complained of is conferred by the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U.S.C., Title 18, Sec. 682), otherwise known as the Criminal Appeals Act, and by Section

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238 of the Judicial Code as amended by the Act of February 13, 1925, c. 229, 43 Stat. 938 (U.S.C., Title 28, Sec. 345).

B

DATES OF ORDER AND APPLICATION FOR APPEAL

The order of the District Court was entered March 17, 1933. An application for appeal was filed April 14, 1933, and allowed April 14, 1933.

C

NATURE OF THE CASE

The indictment was based upon Sections 272 and 287, Criminal Code (U.S.C., Title 18, Sections 451, 466), and Section 2145, Revised Statutes (U.S.C., Title 25, Sec. 217). It charges in several counts the larceny of personal property of Pueblo Indians, committed within the Pueblo of Isleta in New Mexico by the defendants who were not Indians. A motion to quash (called by the District Court a demurrer) was sustained on the ground that the lands within the Isleta Pueblo Grant do not constitute Indian country within the contemplation of Section 2145, Revised Statutes, *supra*.

D

CASES SUSTAINING JURISDICTION

The following decisions are believed to sustain the jurisdiction of this Court, whether the order appealed from be deemed to have been entered as

upon demurrer or motion to quash [or] as upon a special plea in bar:

United States v. *Thompson*, 251 U.S. 407, 412.
United States v. *Ramsey*, 271 U.S. 467.
United States v. *Goldman*, 277 U.S. 229, 236.
United States v. *Unzeuta*, 281 U.S. 138.
United States v. *Sprague*, 282 U.S. 716.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.

APRIL 1933.

U. S. GOVERNMENT PRINTING OFFICE: 1933